

PATENT COOPERATION TREATY

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WRITTEN OPINION

(PCT Rule 66)

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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Date of Mailing
(day/month/year) **24 DEC 2003**

Applicant's or agent's file reference

40655.7916

Energizer

REPLY DUE

within 2 months/days from
the above date of mailing

International application No.

PCT/US03/12512

International filing date (day/month/year)

23 April 2003 (23.04.2003)

Priority date (day/month/year)

23 April 2002 (23.04.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G06K 5/00 and US Cl.: 235/380

Applicant

AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 23 August 2004 (23.08.2004).

Name and mailing address of the IPEA/US

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Commissioner for Patents
P.O. Box 1450
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Authorized officer

Lisa M Caputo

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[Signature]

I. Basis of the opinion

1. With regard to the **elements** of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-23, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the claims:
 pages 24-29, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the drawings:
 pages 1-3, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/~~fig~~ NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

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PCT/US03/12512

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>1-25, 28, 32, 34-38, 40-48</u>	YES
	Claims <u>26, 27, 29-31, 33, 39</u>	NO
Inventive Step (IS)	Claims <u>1-25</u>	YES
	Claims <u>26-48</u>	NO
Industrial Applicability (IA)	Claims <u>1-48</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

WRITTEN OPINION

International application No.

PCT/US03/12512

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The description is objected to as containing the following defect(s) under PCT Rule 66.2(a)(iii) in the form or contents thereof:
Page 14, line 19: Please insert the correct application number after "U.S. Serial No.".

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

The drawings are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 7 because: reference numbers 138 and 172 are on Figure 1 but are not in the specification.

Observations covering the description made under PCT Rule 5. The disclosure is objected to because of the following informalities: The use of different trademarks have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Page 15, line 24: Replace "Figure 2" with --Figure 3-- so that the description is consistent with the reference numbers provided in the figures.

Page 17, line 10: Replace "Figure 3" with --Figure 2-- so that the description is consistent with the reference numbers provided in the figures.

Page 17, line 13: Replace "310" with --210-- so that the description is consistent with the reference numbers provided in the figures.

Page 17 line 13 to page 19 line 23: Replace all of the reference numbers that refer to the steps (i.e. they read "3xx" when they should read --2xx-- (i.e. 310 should be 210 as referenced above)).

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. Citations and Explanations:

Claims 1-25 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a method for facilitating the administration of a subsidiary credit card account that comprises the steps of receiving a request from a parent having a financial account and a parent spending power, establishing a subsidiary account with subsidiary spending capacity, and reducing the parent spending power by an amount less than the subsidiary spending capacity.

Claims 26-27, 29-31, 33, and 39 lack novelty under PCT Article 33(2) as being anticipated by Chastain (US 6,021,943). Chastain teaches a process for executing payment transactions. Chastain discloses that referring now in detail to the drawing figures, wherein like reference numerals represent like parts throughout the several views, FIG. 1 shows a process 10 according to preferred form of the invention. The process 10 is for executing payment of the payment transactions between a user and a merchant and is carried out in connection with a bank or other financial institution maintaining a financial account for the user. To initiate the process 10, the bank would issue a restricted funds banking card. This is depicted by block 11 in FIG. 1. Secondly, the bank segments the financial account into two or more sub-accounts. This is depicted by block 13. One of the sub-accounts would operate in the same way that traditional bank accounts would operate in that the funds would be available for unrestricted access by the account owner. Thus, the account owner could deplete all the funds in a single transaction, for example. Conversely, the other of the sub-accounts would be a restricted funds sub-account. The funds maintained in the restricted fund sub-account have a restricted access such that funds can only be taken out of the account by use of the special restricted funds banking card. The restricted funds banking card is issued to the account holder or to a person authorized by the account owner to use the card. For example, the restricted funds banking card could be authorized to be used by a minor child of the account owner. Or, the restricted funds banking card could be authorized to be used by an employee of the account owner. Many different types of scenarios could be accommodated by the account owner authorizing a third party (whether a relative or not) to use the restricted funds banking card. Moreover, the account owner can designate himself or herself as the user of the restricted funds banking card. A key feature of the restricted funds sub-account and the restricted funds banking card is that monies contained in the restricted funds sub-account can only be withdrawn by using the restricted funds banking card as recited in claim 27 of the instant application. Conversely, the restricted funds banking card can only access funds in the restricted funds sub-account and cannot access funds in the unrestricted funds sub-account. This provides excellent protection against the unrestricted funds being depleted by a third party authorized to use the restricted funds banking card. After the card is issued as depicted in block 11 and the basic account segmented as depicted in block 13, typically, funds would be added to the restricted funds sub-account. This can be accomplished in a number of different ways. For example, the basic account can be designated to automatically and periodically transfer funds to the restricted funds sub-account to set up a set budget of available monies in the restricted funds sub-account. Alternatively, funds could be transferred from the unrestricted funds sub-account to the restricted funds sub-account on an as-needed basis and as authorized by the account owner as recited in claims 29-30 of the instant application. In use, the restricted funds banking card is to be used at a business by the user. The business or merchant would then send the payment

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

request to the bank (typically this payment request would be sent by electronic transmission) requesting that the bank credit or pay the merchant the amount identified in the payment request and to be withdrawn from the restricted funds sub-account associated with the account number corresponding to the restricted funds banking card as recited in claim 33 of the instant application. This is depicted in block 17 of FIG. 1. This is further described in more detail in connection with FIG. 2. After receiving a payment request and processing the same to credit or otherwise pay the merchant, the computer system operated by the bank records the debit transaction from the restricted funds sub-account and calculates a new running balance for the restricted funds sub-account. At the end of the month, when the bank sends its monthly statement, the new statement should include a detailed description of transactions involving the unrestricted funds sub-account including a beginning and ending balance, as well as similar information for the restricted funds sub-account as recited in claim 39 of the instant application. This is depicted by block 19 of FIG. 1. One important advantage of this process is that it allows the account owner to see exactly where the authorized user is spending the budgeted money as recited in claim 31 of the instant application (see Figures 1-3, col 2 line 38 to col 5 line 12). Hence Chastain teaches the method of administering a subsidiary account including the steps of the account administration facilitating transactions from the subsidiary account, the settler to settle payments to a merchant and the statement generator to generate a parent account statement as recited in claim 26 of the instant application.

Claims 28, 32, and 40 lack an inventive step under PCT Article 33(3) as being obvious over Chastain in view of Albrecht (US 6,182,895). The teachings of Chastain have been discussed above. Chastain fails to specifically teach conventional credit card processes such as allocating risk, placing a hold on the subsidiary card, and arbitrating disputed transactions. Albrecht teaches a method and system for a gift credit card. Albrecht discloses If the transaction is approved by the computer means, the computer means completes the transaction, and modifies or adds to the data of the secondary account in the secondary computer memory means to reflect the result of the transaction, as schematically depicted in functional block 306. For example, the amount of a purchase transaction may be subtracted from the initial value (or remaining value, if transactions have already been made) of the secondary account, and a new "remaining value" may be stored in the secondary computer means. The computer means then determines, based on the data stored in the secondary computer memory means, whether further uses of the gift credit card are permitted as depicted in functional block 308. If so, then the computer means allows the secondary account to continue, as schematically depicted in functional block 310. If, however, no further uses are permitted (i.e. the initial value of the secondary account has been used up), the credit data storage and transaction processing system will terminate the secondary account, as schematically depicted in functional block 314. On termination, the credit data storage and transaction processing system will automatically deny any further proposed transactions using the gift credit card. The credit data storage and transaction processing system cannot renew the value of the secondary account automatically. In one embodiment, the secondary account may be reauthorized by the primary account holder for another value. Alternatively, termination ends the secondary account, and the purchaser cannot reauthorize it, although new secondary account(s) may be available to the purchaser (see Figures 1-6, col 6, lines 32-60). In view of the teaching of Albrecht it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ conventional credit card processes to the subsidiary account system so that the card system runs efficiently (i.e. correct risk assessments are made, placing a hold on cardholders that don't provide payments and arbitrating disputed transactions so that money is not lost).

Claims 34-38 and 41-48 lack an inventive step under PCT Article 33(3) as being obvious over Chastain in view of Lotvin et al. (US 5,907,831). The teachings of Chastain have been discussed above. Chastain fails to teach the limiting of the spending to a specific class of goods, facilities, merchants, or uses (i.e. restrictions on conditions and emergency use). Lotvin teaches a computer apparatus and methods for supporting different categories of users. Lotvin teaches that the computer apparatus and methods of the preferred embodiment uses computer technology in a unique way to motivate children to devote more time to educational and cultural enrichment. In the preferred embodiment, educational material is provided at a child's local computer under control of a central computer system connected to it over a computer network. On completing a particular educational task, the child is rewarded with a certain number of points. Points that the child accumulates are stored centrally, and at least some of the points can be redeemed towards the purchase of goods and services offered through the system of the preferred embodiment by its commercial participants. The purchasing transactions are also administered by the central computer. Parents, preferably, use the system to support their children's purchasing activity financially and to select content available for presentation to the child. In other embodiments, the disclosed apparatus and methods can be used for purposes unrelated to education of children, and distribution of functionality between the central and local computers may be different, including wholly local implementations (see abstract). Further, Lotvin discloses that at block 304, the parent is provided with a screen for modifying parental preferences regarding educational presentations to be made to his child or children. This includes specifying the child's level of difficulty and referred educational materials. This may also include the parent allowing or disallowing the presentation of advertisements to the child and, if allowing advertisements, specifying categories of ads that may or may not be presented (e.g., allowing ads for toys that are only of a nonviolent nature, or prohibiting ads for candies and sweets) (see Figure 3, col 9, lines 21-31). This is analogous to limiting what the child can use his or her money or points on. In view of the teaching of Lotvin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ this restrictive computer system to the system of Chastain because these systems are alike in that they allow parental control of child spending habits. It is favorable for parents to control where the child can spend money because it is necessary that the child spends money only on legal and appropriate items.

Claims 1-48 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry. The subsidiary and parent credit card accounts are useful for customers who want to control the

APPLICABILITY *spending power of a child or other person.*